



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING NOTICE: | <b>BOARD OF DENTISTRY &amp; DENTAL HYGIENE</b>   |
| DATE AND TIME:         | <b>Thursday, February 24, 2011 at 4:30 p.m.</b>  |
| PLACE:                 | 861 Silver Lake Boulevard, Dover, Delaware<br><b>Conference Room B</b> , second floor of the Cannon Building |
| APPROVED:              | March 24, 2011   |

**MEMBERS PRESENT**

Neil McAneny, DDS, Professional Member, President  
Blair Jones, DMD, Professional Member, Secretary  
Thomas Cox, DDS, Professional Member  
John Lenz, DDS, Professional Member  
Robert Director, DDS, Professional Member  
Joan Madden, RDH, Professional Hygiene Member  
Frances Pruitt, Public Member  
Fay S. Rust, RDH, Hygiene Advisory Member  
Debra Bruhl, RDH, Hygiene Advisory Member  
Danna Levy, Public Member (entered meeting at 4:38)

**MEMBERS ABSENT**

Bonnie Thomas, RDH, Hygiene Advisory Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Danny Stevenson, Deputy Attorney General  
Michele Urbaniak, Administrative Specialist II  
Roger Akin, Chief Hearing Officer (entered at 4:48 p.m.)  
James Collins, Director (entered at 4:50 p.m.)

**PUBLIC PRESENT**

Nathaniel Gibbs

**CALL TO ORDER**

Dr. McAneny called the meeting to order at 4:35 p.m.

**REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes of the January 20, 2011 Board meeting. Dr. Jones made a motion, seconded by Ms. Pruitt, to approve the minutes as presented. The motion passed unanimously.

**UNFINISHED BUSINESS**

Extensions of Continuing Education & CPR  
Vicki Korr-Pringle:

Dr. McAneny reported that a PTD hearing is still scheduled on March 24, 2011 for Vicki Korr-Pringle. Ms. Korr-Pringle requested a hearing resulting from the Board's proposal to deny both her request for an extension and her 2010 license renewal.

Validation of Dental DOR Examination

Dr. McAneny reported that the two evaluations of the Dental DOR Examination received from Temple will be reviewed in Executive Session at the Exam Committee Meeting, immediately following the Board meeting.

Joint Sunset Committee Progress Report

B1 & B2: Dr. McAneny reminded the Board that a public rules and regulations hearing will be held during the Board meeting on March 24, 2011.

B3: Revalidation of Clinical Examinations Dr. McAneny reported that he has received confirmation from Temple, Penn, and MD that they will each submit a cost estimate for revalidation of both the dental and dental hygiene clinical examinations. Dr. McAneny will forward contact information to Ms. Urbaniak so that the exam guidelines and score sheets may be mailed to each university in order to obtain a cost estimate.

B4: Implementation or Consideration of Ongoing Assessment of Continuing Competence and Quality of Care Provided by Dentists

B5: Delivery of Local Anesthesia by Dental Hygienists

B6: Dental Hygienists Practicing in a Public Setting

B7: Dental Hygienist Examination and Licensure

Dr. McAneny questioned why the Joint Sunset Committee progress report continues to be an agenda item. Dr. McAneny believes that progress reported at previous meetings should be sufficient to close these agenda items, as there is nothing additional to report. Dr. McAneny will contact Deputy Director Kay Warren. The discussion will be tabled until the next meeting.

Review Correspondence from Tara Woodward Regarding Disciplinary Board Order

The Board reviewed a letter from Tara Woodward, which was received by the Board office with the wallet portion of her 2004-2006 Dental Hygienist license. Dr. Director made a motion, seconded by Dr. Jones, that the Board accept the expired wallet portion of Ms. Woodward's license and take no further action. The motion passed unanimously.

Teeth Whitening Services at Spas and Mall Kiosks

This issue has been tabled until the March 24, 2011 board meeting.

Pre-Renewal Audit vs. Post-Renewal Audit

This issue has been tabled until the March 24, 2011 board meeting.

Requirement of 2.0 CE Hours in Infection Control per Biennial Renewal Period – Review Draft Language from Ms. Reardon

This issue has been tabled until the March 24, 2011 board meeting.

CODA-Approved Specialty Rotations – Report from Dr. Jones

Dr. Jones reported that he has been in contact with CODA regarding permission to use CODA's copyrighted materials. CODA declined the Board's request for copyright permission. The Board published its proposed regulations without inserting the copyrighted information.

Inactive License Status in Other States – Report from Ms. Rust

Ms. Rust reported that ADHA's website lists 22 states who offer an inactive license status. Ms. Rust volunteered to contact each individual state to find out their requirements for inactive licensure. Dr. McAneny and Dr. Director do not believe it's necessary to contact all 22 states, and asked Ms. Rust if she could get the information from a sampling of surrounding states. Ms. Rust agreed and will report back at the next meeting.

**NEW BUSINESS**

Ratification of Licenses/Permits Issued by DPR Since January Board Meeting:

Dentist License

None

Dentist Limited License (Resident)

None

Dental Hygienist License

None

Restricted Permit I

Dawn Grandison

Otto Tidwell

Dr. Lenz made a motion, seconded by Ms. Pruitt, to ratify the issuance of Restricted Permit I to Dawn Grandison and Otto Tidwell. The motion passed unanimously.

Restricted Permit II

Gloria Wu

Mary Katherine Matthews

Kathy Redden

Dr. Director made a motion, seconded by Dr. Jones, to ratify the issuance of Restricted Permit II to Gloria Wu, Mary Katherine Matthews, and Kathy Redden. The motion passed unanimously.

Unrestricted Permit

None

Discussions with DPR Director James Collins

At this point in the meeting, Dr. McAneny recognized DPR Director James Collins. Mr. Collins thanked the Board and introduced Roger Akin as the Division's new Chief Hearing Officer. Director Collins and Mr. Akin addressed the Board, explaining the Division's new procedure regarding disciplinary hearings.

Changing topics, Dr. McAneny informed Director Collins that he had contacted Temple University's Kornberg School of Dentistry, University of Pennsylvania's School of Dental Medicine, and University of Maryland's Dental School regarding revalidation of both the dental and dental hygiene clinical examinations. Dr. McAneny advised that the universities need to see the guidelines and score sheets of the clinical exams in order to formulate a cost estimate. Mr. Collins agreed that the guidelines and score sheets may be submitted to all three universities in order to receive cost estimates for revalidation of the exams. Mr. Collins noted that Maryland has both dental and dental hygiene schools.

Mr. Collins would like to work with the Board to bring more consistency and professionalism to the clinical exams. Mr. Collins asked if a NERB examiner could observe the next clinical exams in Delaware to make recommendations for improvements of the exams. Dr. McAneny explained NERB's pre-exam calibration process, and expressed concern that NERB's calibration process was not superior to that of

Delaware. Dr. McAneny advised that Dr. Director has recommended that DelTech work with the Board to set up a calibration exam for Delaware dental and dental hygiene examiners. Mr. Collins agreed that a calibration exam for Delaware examiners is a good idea. Dr. McAneny and Dr. Director agree that the NERB examiners do not have better calibration than Delaware. Mr. Collins asked if Delaware's chief examiner could monitor the calibration of other examiners during the exam. Dr. McAneny does not believe the Board has enough examiners to accommodate that. Dr. McAneny would like to have an assistant for each dentist and hygienist during the exam. Mr. Collins asked that the Board's attorney research whether auxiliary dental personnel could assist with administrative tasks, such as scoring, during the exam.

AADB Mid-Year Meeting, ADA Headquarters, Chicago, IL, April 3-4, 2011

Dr. McAneny reported that he has registered to attend the AADB Mid-Year Meeting. However, he may not be able to attend. Dr. Jones and Dr. McAneny will work together to transfer Dr. McAneny's registration to Dr. Jones, if possible. Dr. McAneny, Dr. Jones, and Ms. Rust believe that travel expenses may be reimbursed by AADB.

**COMPLAINT STATUS**

Complaint 09-10-09 (Jones) Consent Agreement

Mr. Stevenson summarized the Consent Agreement between the State of Delaware and Elizabeth Fortner for the Board. Ms. Urbaniak agreed to find out if letters of reprimand are reportable to NPDB and report back to the Board at its next meeting. After discussion, Ms. Madden made a motion, seconded by Ms. Rust, to table the Consent Agreement until the next meeting. The motion passed unanimously.

Dr. McAneny reported the following complaint statuses:

|                               |  |
|-------------------------------|--|
| Complaint 09-15-09 (McAneny)  | Disciplinary Hearing Scheduled for 3/24/11 Meeting |
| Complaint 09-02-10 (Jones)    | Closed by Investigator                             |
| Complaint 09-04-10 (Director) | Closed by Investigator                             |
| Complaint 09-01-11            | Assigned to Dr. Jones                              |
| Complaint 09-03-10 (Lenz)     | Forwarded to Attorney General's Office             |

**CORRESPONDENCE**

None

**OTHER BUSINESS BEFORE THE BOARD (for discussion only)**

Discussion Per Fay Rust: Can dental offices charge for dental exams if the dentist is out of the office and does not examine the patient, but the patient is examined by the hygienist?

After discussion, Dr. McAneny, Dr. Jones, and Dr. Lenz agree that if there is no examination by the dentist, then there is no dental exam and therefore a charge to the patient may be considered fraud. Dr. Lenz made a motion, seconded by Ms. Pruitt, that it is the opinion of this Board that there should be no charge for a dental exam if the dentist has not physically performed an exam on the patient. The motion passed unanimously. Mr. Stevenson asked if the Board wanted to propose legislation to codify its decision. The Board will review its statute and rules and regulations to determine if they want to propose legislation at a later time. Mr. Stevenson advised that the Board could discipline a licensee for unprofessional conduct. However, Dr. McAneny believes this type of situation may be considered substandard care, rather than unprofessional conduct.

**PUBLIC COMMENT**

None

**NEXT MEETING**

The next Board meeting will be Thursday, March 24, 2011, at 4:30 p.m. in **Conference Room A**.

**ADJOURNMENT**

Ms. Pruitt made a motion, seconded by Ms. Levy, to adjourn the meeting at 5:53 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Urbaniak", written in a cursive style.

Michele Urbaniak  
Administrative Specialist II